

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAIME PERALES FLORES,
Plaintiff,
v.
ROBERT DASCHOFSKY,
Defendant.

} NO. CV-10-5024-LRS
} **ORDER OF DISMISSAL**

The *pro se* Plaintiff has been allowed to proceed *in forma pauperis*. His Complaint appears to allege he was illegally arrested based on a phone call made to federal law enforcement officials on November 7, 2005 by the Defendant, a Walla Walla County Deputy Sheriff at the time. It is clear from the Immigration Naturalization Service (INS) report appended to Plaintiff's Complaint that Defendant had reason to inform the INS that he had seen the Defendant in the City of Walla Walla because Plaintiff had "been arrested and incarcerated as early as 1985." There was probable cause to arrest the Plaintiff for being an alien in the United States after deportation as the report reflects Plaintiff had been deported in March 1996. In fact, Plaintiff was indicted on that very charge in November 2005 in CR-05-6049-EFS. Although a Judgment of Acquittal was ultimately entered in that matter (Ct. Rec. 63), it does not mean there was not probable cause to arrest and charge the Defendant, only that the elements of the charged offense could not be proven beyond a reasonable doubt. Plaintiff's Complaint fails to state a claim upon which relief can be granted, an amendment cannot cure this deficiency, and *sua sponte* dismissal of the Complaint with prejudice is appropriate.

1 It is also noted that Plaintiff has failed to apprise the court of an apparent
2 change of address as the March 4, 2010 “Order To Proceed *In Forma Pauperis*”
3 (Ct. Rec. 8) which was mailed to him was returned as undeliverable (Ct. Rec. 10).

4 Plaintiff’s Complaint is **DISMISSED with prejudice**. Judgment will be
5 entered accordingly and this file shall be CLOSED.

6 **IT IS SO ORDERED.** The District Court Executive is directed to enter
7 this Order and forward a copy of the Judgment and this Order to Plaintiff at his
8 last address of record.

9 **DATED** this 5th day of January, 2011.

10 *s/Lonny R. Sukko*

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12 LONNY R. SUKO
Chief United States District Judge